

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF LABOR STATISTICS & RESEARCH

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TRAVEL AND SUBSISTENCE PROVISION

FOR

**TUNNEL WORKER  
(LABORER-ENGINEERING CONSTRUCTION)  
(ALL CLASSIFICATIONS)**

IN

SAN DIEGO COUNTY

23-162-5

TUNNEL MASTER AGREEMENT  
FOR SAN DIEGO COUNTY  
between  
ASSOCIATED GENERAL CONTRACTORS OF AMERICA  
SAN DIEGO CHAPTER, INC.  
and  
SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS  
and  
ITS AFFILIATED LABORERS LOCAL 89

RECEIVED  
Department of Industrial Relations

JUL 16 2007

Div. of Labor Statistics & Research  
Chief's Office

This AGREEMENT entered into this 1st day of July 2007, by and between the Associated General Contractors of America San Diego Chapter, Inc. hereinafter called the ASSOCIATION, and the Southern California District Council of Laborers affiliated with the Laborers' International Union of North America, AFL-CIO, on behalf of itself and its affiliated Local No. 89, hereinafter referred to as the UNION.

SECTION 1 - GENERAL PROVISIONS

The term Association shall refer to the Associated General Contractors of America, San Diego Chapter, Inc. The Contractors and the Union recognize and agree that the Association is the administrative representative of the Contractors, and the Association has no signatory status by the terms of this Agreement or otherwise.

The term Employer (or Contractor) shall refer to a person, firm or corporation party to this Agreement.

The term Union means the Southern California District Council of Laborers and its affiliated Local Union 89 which has jurisdiction over the work in the territory covered by this Agreement.

The term Local Union, as used herein, shall refer to Local Union 89, which has jurisdiction over the work in the territory covered by this Agreement.

The term Employee (or Employees) means the employed person or persons.

The term Workmen means persons in the Labor Market not employed. All personal nouns and pronouns refer to the male and female gender.

The term "Method of Delivery of Written Notices", required by this Agreement shall be satisfied by one of the following means of Delivery: e-mail, fax, certified mail or regular mail.

(a) This Agreement shall cover the construction, alteration, repair and demolition of tunnels, subways, shafts, raises and all underground excavations including lining of same. All open cut work

special shift shall be two dollars and fifty cents (\$2.50) per hour above the appropriate straight time wage otherwise specified in this Agreement. Any work performed on Saturday and Sunday shall be paid as outlined herein at the applicable overtime rate of pay.

#### SECTION 21 - PARKING

A. In the event free parking facilities are not available within a reasonable distance of the jobsite, the individual employer will provide such parking facilities and the individual employer shall have the right to designate parking areas to be used.

Where, because of congested parking conditions, it is necessary to use public parking facilities the individual employer shall reimburse the employees for the cost of such parking upon being presented with a receipt or voucher certifying to the cost thereof, submitted weekly. Such reimbursement to be made on a weekly basis or at the conclusion of the project, whichever occurs earlier.

On remote jobs when the access to where the work is being performed (to a job or project or within a job or project) is unsuitable, and no parking facilities are provided within a five (5) minute walk from where the work is being performed, the individual employer shall transport the employees to and from the place where the work is being performed and such transporting shall be one-half (2) on the individual employer's time.

B. Any employees such as flagmen shall be furnished adequate relief for the use of toilet facilities.

#### SECTION 22 - RECOGNIZED HOLIDAYS

The following days are recognized as holidays:

New Year's Day	Veterans' Day
Memorial Day	Thanksgiving Day
Fourth of July	Day after Thanksgiving
Labor Day	Christmas Day

If any of the above holidays falls on Sunday, the Monday following shall be considered a holiday.

At such a time as Federal Laws designate certain of the foregoing holidays to be celebrated on Monday, the same shall apply to this Agreement.

#### SECTION 23 - GUNITE

When Gunite work is subcontracted, the subcontractor shall be signatory to, and comply with all of the terms and conditions

its subcontractors is one million dollars (\$1,000,000.00) or more or where construction conditions or remoteness of the project warrant it.

The individual employer shall notify, in writing, the Local Union of an award of work within ten (10) days thereof so that a pre-job conference can be arranged.

#### SECTION 37 - EMPLOYEES NOT TO BE DISCHARGED FOR RECOGNIZING AUTHORIZED PICKET LINES

No employee covered hereby may be discharged by an individual employer for refusing to cross a primary picket line established by an international union affiliated with the Building and Construction Trades Department of the American Federation of Labor - Congress of Industrial Organizations or a Local Union thereof, or the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America or a Local Union thereof, which picket line has been authorized or sanctioned by the Local Building and Construction Trades Council having jurisdiction over the area in which the job is located after the individual employer involved has been notified and has had an opportunity to be heard. Said notice shall be in writing and mailed to the individual employer involved at his last known address. This Section shall not apply to jurisdictional disputes.

#### SECTION 38 - COMPENSATION FOR TRAVEL WITHIN TUNNEL

A. The individual employer shall pay employees covered by this Agreement working within the tunnel, adits, or shafts, on a portal to portal basis as follows: The hours of employment of such employee shall commence at the portal of the tunnel, adit or shaft at which he is directed by the individual employer to report for work on his shift and shall end at such portal.

B. If a change house is located more than one thousand, two hundred, fifty (1,250) feet from a portal, adit or shaft, then the time of work shall start, for pay purposes, at the change house.

#### SECTION 39 - CHANGE OF NAME OR STYLE

A. This Agreement is binding upon each individual employer regardless of whether or not he or it changes the name or type or address of his or its business. Each individual employer shall give notice in writing to said District Council of any intent to change the name, type, or address of his or its business, or to perform business under more than one name or type or at more than one address, prior to the adoption of a new or different name, type, or address, or the addition of new names or types or addresses, as specified herein.

B. Nothing in this paragraph shall be construed as adding to the scope of work covered by this Agreement.